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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

LAURA ZAVALA,

Plaintiff,

v.

FEDERAL HOME LOAN MORTGAGE
CORP, et al.,

Defendants.

Case No. 5:12-cv-1334-ODW(SPx)

ORDER DISMISSING COMPLAINT

Upon review of Plaintiff's Complaint, the Court finds that it fails to comply with Federal Rule of Civil Procedure 8 and should be dismissed.

Rule 8(a) requires that a pleading contain a short and plain statement of a claim showing that the pleader is entitled to relief. *Bautista v. Los Angeles County*, 216 F.3d 837, 840 (9th Cir. 2000). Plaintiff must plead a short and plain statement of the elements of his claim, "identifying the transaction or occurrence giving rise to the claim and the elements of a prima facie case." *Id.* Further, Plaintiff must eliminate all preambles, introductions, argument, speeches, explanations, stories, griping, vouching, evidence, attempts to negate possible defenses, summaries, and the like from his complaint. *McHenry v. Renne*, 84 F.3d 1172, 1180 (9th Cir. 1996). The Court should be able to read and understand Plaintiff's pleading within minutes. *Id.* at 1177.

1 But Rule 8 also requires real facts, and not a subprime-mortgage *scène à faire*.
 2 For a complaint to sufficiently state a claim, its “[f]actual allegations must be enough
 3 to raise a right to relief above the speculative level.” *Bell Atl. Corp. v. Twombly*, 550
 4 U.S. 544, 555 (2007). While specific facts are not necessary so long as the complaint
 5 gives the defendant fair notice of the claim and the grounds upon which the claim
 6 rests, a complaint must nevertheless “contain sufficient factual matter, accepted as
 7 true, to state a claim to relief that is plausible on its face.” *Ashcroft v. Iqbal*, 556 U.S.
 8 662, 678 (2009). *Iqbal*’s plausibility standard “asks for more than a sheer possibility
 9 that a defendant has acted unlawfully.” *Id.* Rule 8 demands more than a complaint
 10 that is merely consistent with a defendant’s liability—labels and conclusions, or
 11 formulaic recitals of the elements of a cause of action do not suffice. *Id.* The
 12 determination whether a complaint satisfies the plausibility standard is a “context-
 13 specific task that requires the reviewing court to draw on its judicial experience and
 14 common sense.” *Id.* at 679.

15 Here, Plaintiff’s 23-page Complaint alleges that the 6 Defendants committed a
 16 myriad of offenses; and states 11 causes of action relating to unlawful lending and
 17 mortgage business practices. But the Complaint contains nothing but legal
 18 conclusions and generic facts contending that some sort of stereotypical mortgage
 19 fraud took place. In total, Plaintiff’s Complaint reads like a template that some
 20 lawyers cobbled together to extract fees from desperate clients—for no more effort
 21 than running a macro to replace party names and attaching clients’ mortgage papers as
 22 exhibits.

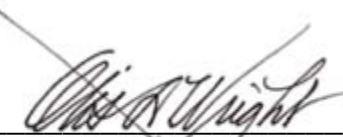
23 Plaintiff must state facts alleging what each Defendant has specifically done to
 24 harm Plaintiff. Reciting speculative wrongful acts will not save a home from
 25 foreclosure. Instead, naked allegations violate the good faith requirement of Federal
 26 Rule of Civil Procedure 11(b). And this may subject Plaintiff to sanctions. Fed. R.
 27 Civ. P. 11(c).

28 / / /

1 The Complaint is hereby **DISMISSED WITH LEAVE TO AMEND.**
2 Plaintiff may file an amended complaint within 14 days. Failure to do so will result in
3 dismissal of this action.

4 **IT IS SO ORDERED.**

5 August 24, 2012

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8 **OTIS D. WRIGHT, II**
9 **UNITED STATES DISTRICT JUDGE**

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